

JUL 23 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MELCHOR KARL T. LIMPIN,

Plaintiff - Appellant,

V.

SECRETARY OF NAVY; et al.,

Defendants - Appellees.

No. 07-56262

D.C. No. CV-06-02581-DMS

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Dana M. Sabraw, District Judge, Presiding

Submitted July 14, 2008<sup>\*\*</sup>

Before: SCHROEDER, LEAVY and IKUTA, Circuit Judges.

A review of the record and the response to this court's January 14, 2008  
order to show cause indicates that the questions raised in this appeal are so

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (per curiam) (stating standard).

The district court correctly found that appellant was not entitled to equitable tolling of the Federal Tort Claims Act's two year statute of limitations, and thus his claims were untimely. *See* 28 U.S.C. § 2401; *Santa Maria v. Pacific Bell*, 202 F.3d 1170, 1178 (9th Cir. 2000) (requiring due diligence to justify equitable tolling). We also agree that there is no private right of action to bring claims under 18 U.S.C. §§ 203(a)(1)(B) or 208(a). *See* 18 U.S.C. § 216 (providing exclusively for criminal penalties, or civil actions brought by the Attorney General, for violations of §§ 203 and 208).

Accordingly, we summarily affirm the district court's judgment.

**AFFIRMED.**